



House of Representatives

General Assembly

File No. 80

January Session, 2013

Substitute House Bill No. 6330

House of Representatives, March 20, 2013

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LOOK-A-LIKE FIREARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) As used in this section,
2 "look-a-like firearm" means any imitation firearm, simulated firearm,
3 replica of a firearm or other device which substantially duplicates or is
4 so similar in coloration and overall appearance to an existing firearm
5 as to lead a reasonable person to perceive that the device is a firearm.

6 (b) (1) No person shall alter, change, deface, remove, paint, emboss
7 or in any other manner obliterate any coloration or markings that are
8 required by any applicable state or federal law or regulation for any
9 look-a-like firearm, in a manner that makes the look-a-like firearm look
10 more like a firearm.

11 (2) No person shall possess any look-a-like firearm with coloration
12 or markings, as required by any applicable state or federal law or
13 regulation, that have been altered, changed, defaced, removed,
14 painted, embossed or obliterated in violation of subdivision (1) of this

15 subsection.

16 (3) No person shall possess any look-a-like firearm in or on the real
17 property comprising a public or private elementary or secondary
18 school.

19 (c) (1) The provisions of subdivisions (1) and (2) of subsection (b) of
20 this section shall not apply to any look-a-like firearm with coloration
21 or markings, as required by any applicable state or federal law or
22 regulation, that have been altered, changed, defaced, removed,
23 painted, embossed or obliterated for use in theatrical productions
24 including, but not limited to, motion pictures and television and stage
25 productions.

26 (2) The provisions of this section shall not apply to any look-a-like
27 firearm used by the Department of Emergency Services and Public
28 Protection, police departments, the Department of Correction or the
29 military or naval forces of this state or of the United States in the
30 discharge of their official duties.

31 (d) On and after July 1, 2013, each local and regional board of
32 education shall require each school under the board's jurisdiction to
33 notify all students in writing of the provisions of this section.

34 (e) Any person who violates any provision of subsection (b) of this
35 section shall have committed an infraction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	less than \$5,000	less than \$5,000

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Local and Regional School Districts	STATE MANDATE - Cost	less than \$5,000	less than \$5,000

Explanation

The bill results in a state mandate and a cost of less than \$5,000 to each local and regional school district, and a potential revenue gain of less than \$5,000 to the Judicial Department.

The bill results in a potential minimal revenue gain by making violation of look-a-like firearm statutes an infraction. As this is a new offense, the extent of revenue gain is indeterminate, but anticipated to be less than \$5,000.

Additionally, the bill requires that each local and regional board of education require each school under its jurisdiction to provide written notice to each student of the prohibitions of look-a-like firearms. It is anticipated that this would result in a cost of less than \$5,000 to each local and regional school district. The cost is associated with photocopying the notice, which would outline the prohibitions. There is no cost associated with distribution as the written notice would be sent home with students.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6330*****AN ACT CONCERNING LOOK-A-LIKE FIREARMS.*****SUMMARY:**

This bill makes it an infraction to:

1. alter, change, deface, remove, paint, emboss, or in any way obliterate any coloration or markings required by any state or federal law or regulation for any look-a-like firearm to make it look like a real firearm;
2. possess a look-a-like firearm altered in violation of the bill (with exceptions for look-a-like firearms used in theatrical productions, including motion pictures and television and stage productions); or
3. possess any look-a-like firearm in or on public or private elementary or secondary school property.

Each local and regional board of education must require each school under its jurisdiction to provide written notice to students of these prohibitions.

The bill does not apply to any look-a-like firearm used by the departments of Correction or Emergency Services and Public Protection, police departments, or state or U.S. military or naval forces in the discharge of their official duties.

Under existing law, which this bill does not change, it is illegal to (1) sell, carry, or brandish a facsimile firearm or (2) possess a firearm or deadly weapon on school grounds (see BACKGROUND).

EFFECTIVE DATE: July 1, 2013

DEFINITIONS

The bill defines a “look-a-like firearm” as any imitation firearm, simulated firearm, replica of a firearm or other device which substantially duplicates or is so similar in color and overall appearance to an existing real firearm as to lead a reasonable person to perceive that it is a real firearm.

The law defines “firearm” as a sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged (CGS § 53a-3).

BACKGROUND***Facsimile Firearms***

Under the law, it is a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,000, or both) to:

1. give, offer for sale, or sell a facsimile firearm unless it cannot reasonably be perceived to be a real firearm;
2. carry, draw, exhibit, or brandish a facsimile firearm or simulate a firearm in a threatening manner to frighten, vex, or harass another person, except in self-defense; and
3. draw, exhibit, or brandish a facsimile firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician, or paramedic in order to impede him or her in the performance of his or her duties (CGS § 53-206c).

A facsimile firearm is (1) a nonfunctional imitation of an original firearm manufactured, designed, and produced since 1898, or (2) any nonfunctional representation of a firearm other than an original firearm imitation, provided that it could be perceived to be a real firearm. The term does not include any look-a-like, nonfiring, collector replica of an antique firearm developed before 1898, or traditional BB or pellet-firing air gun that, through air pressure, expels a metallic or paint-contained projectile.

Weapon Possession on School Grounds

Under the law, it is a class D felony (punishable by up to five years in prison, up to a \$5,000 fine, or both) for a person to possess a firearm or deadly weapon in or on public or private elementary or secondary school property or at a school-sponsored activity if he or she is not licensed or privileged to do so. This does not include otherwise lawful firearm possession (1) by a person for use in a program approved by school officials in or on school property or at a school-sponsored activity, (2) by a person in accordance with an agreement with school officials, (3) by a peace officer while engaged in his or her official duties, or (4) by a person while crossing school property to gain access to public or private lands open to hunting or for other lawful purposes, as long as the firearm is not loaded and the local or regional board of education permits such entry (CGS § 53a-217b).

A deadly weapon is any weapon, whether loaded or unloaded, from which a shot may be fired, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.

Federal Look-A-Like Firearm Marking Requirements

Federal law prohibits anyone from manufacturing, entering into commerce, shipping, transporting, or receiving any toy, look-a-like, or imitation firearm without a blaze orange plug permanently affixed to its barrel or an alternate marking or device if it is not possible to affix such a plug to its barrel. The law allows the Secretary of Commerce to waive this requirement for toy, look-alike, and imitation firearms that will only be used in the theatrical, movie, or television industry (15 USC § 5001).

Infraction

An infraction is punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. An infraction is not a crime and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Children Committee

Joint Favorable Substitute

Yea 9 Nay 2 (03/07/2013)